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MERCK & CO., INC.

By [Signature] Date 10/31/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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Applicants:	Feighner, Scott D.				
Serial No.:	09/719,485	Case No.:	20251P	Art Unit:	1646
Filed:	05/25/2001	Examiner: Basi, N.			
For:	CLONING AND IDENTIFICATION OF THE MOTILIN RECEPTOR				

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

This is in response to the Restriction Requirement mailed October 2, 2003, having a shortened statutory period for reply that will expired on November 2, 2003.

Since this Response is being filed timely, prior to the expiration of the statutory period set for reply, this transmittal does not include a Petition for Extension of Time or the requisite fee required to secure an extension. In the event that fee is deemed to be required, please treat this paper as a request under 37 C.F.R. §1.136(a) to charge Deposit Account No. 13-2755 the appropriate large entity fee.

In addition, Applicants would like to direct the Examiner's attention to the fact that a Supplemental Information Disclosure Statement (IDS) and copies of the cited references, in accordance with the provisions of 37 C.F.R. 1.97, is being filed via first class mail today. Applicants respectfully request that the Examiner enter the IDS into the file and consider the references cited therein during the first substantive examination of this application.


Claims 1-8 are pending in the above-referenced application. A requirement for restriction has been imposed on claims 1-8 requiring the Applicants to restrict the subject matter of the instant application to the invention encompassed within one of the following two groups: Group I (claims

1-6) drawn to a motilin receptor (a G protein coupled receptor) disclosed in SEQ ID NOS.: 2, 3, 4, and 5, and to methods for determining whether a ligand is capable of binding to a motilin receptor; Group II (claims 1, 2, 7, and 8) drawn to the motilin receptor disclosed in SEQ ID NO.: 7, and to methods for determining whether a ligand is capable of binding to the receptor.

Based on the Examiner's description of the subject matter assigned to the two Groups identified by the Examiner, Applicants are assuming that the Examiner inadvertently omitted claim 8 from Group I. Inclusion of claim 8 in Group I is necessary in order to encompass the "method for determining whether a ligand is capable of binding" to a human motilin receptor which is included in the Examiner's description of Group I. In addition, it appears as if the Examiner did not mean to include claim 2 in the definition of Group II. This is apparent from the Examiner's determination that the puffer fish motilin receptor is patentably distinct from the human motilin receptor sequences assigned to Group I. Clarification of the claims assigned to each of the Restriction Groups is respectfully requested.

Assuming that Applicants assumptions regarding the subject matter and claims assigned to each of the two Restriction Groups is correct, Applicants hereby elect to prosecute the subject matter assigned to Group I (i.e., claims 1-6, and 8) without traverse. Applicants expressly reserved the right to pursue the subject matter of the non-elected claims that have been assigned to Group II in one or more divisional and/or continuing applications.

Respectfully submitted,

By   
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Date: October 31, 2003